

REMARKS/ARGUMENTS

Favorable consideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-25 are pending in the application, with Claim 10 amended and Claims 14-25 added by the present amendment.

In the outstanding Office Action, the title was objected to; Claims 1-3, 6-8 and 11-13 were objected to; Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Aas (U.S. Patent No. 5,940,740) in view of Nageli (U.S. Patent No. 6,731,942); and Claims 1-9 and 11-13 were indicated as allowed.

Applicants gratefully acknowledge the indication of the allowable subject matter.

Claim 10 is amended to recite a second storage means for storing check permission data, indicating whether a check of the delivery status data of information is permitted or prohibited, for every mobile communication terminal. Claim 10 is further amended to recite sending means designated to retransmit said information to the receiver mobile communication terminal, on the basis of a retransmission command sent from said sender mobile communication terminal, after said sending means sends said delivery status data to the sender communication terminal. Support for this amendment is found in Applicants' originally filed specification. New Claims 14-25 are directed to an alternative embodiment of Applicants' invention. Support for new Claims 14-25 is found in Applicants' originally filed specification. No new matter is added.

Briefly recapitulating, amended Claim 10 is directed to a mobile communication terminal capable of receiving information from another mobile communication terminal, which is capable of communicating with information delivery management apparatus having first storage means storing delivery status data indicating whether the information has been delivered or not. The mobile communication terminal includes a second storage means for

storing check permission data, indicating whether a check of the delivery status data of information is permitted or prohibited, for every mobile communication terminal. The mobile communications terminal also includes sending means designated to retransmit the information to the receiver mobile communication terminal, on the basis of a retransmission command sent from the sender mobile communication terminal, after the sending means sends the delivery status data to the sender communication terminal. The mobile communications terminal also includes check permission determining means for determining check permission data indicating whether a check of the delivery status data of the information is permitted or prohibited, every time information is delivered. The mobile communications terminal also includes transmitting means for transmitting the check permission data determined, to the information delivery management apparatus. Applicants' claimed device provides greater convenience to mobile device users.<sup>1</sup>

Aas describes a method and apparatus to improve user friendliness of messaging systems.<sup>2</sup> Nagali describes a method and system for two communications between dispatcher stations and pagers.<sup>3</sup> However, as suggested by the Examiner's statement on reasons for allowance relative to allowed Claims 1-9 and 11-13, both Aas and Nagali fail to disclose or suggest Applicants' claimed second storage means and sending means.

As none of the cited prior art, individually or in combination, disclose or suggest all the elements of independent Claim 10, Applicants submit the inventions defined by Claim 10 is not rendered obvious by the asserted prior art for at least the reasons stated above.<sup>4</sup>

---

<sup>1</sup> Specification, page 4, lines 6 -16.

<sup>2</sup> Aas, abstract.

<sup>3</sup> Nagali, abstract.

<sup>4</sup> MPEP § 2142 "...the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)."

Accordingly, in view of the present amendment and in light of the previous discussion, Applicants respectfully submit that the present application is in condition for allowance and respectfully request an early and favorable action to that effect.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Bradley D. Lytle  
Attorney of Record  
Registration No. 40,073  
Michael E. Monaco  
Registration No. 52,041

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

I:\ATTY\MM\AMENDMENT\7358\220227.AM DUE NOV. 18..DOC